

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
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Kishore <i>et al.</i>)	Art Unit: 1651
)	
Application No.: 10/552,568)	Examiner: Susan M. Hanley
)	
Filing Date: August 2, 2006)	Confirmation No.: 2536
)	
For: COMPOSITIONS AND METHODS)	
RELATED TO PRODUCTION OF)	
ERYTHROPOIETIN)	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BALLARD SPAHR LLP
Customer Number 23859

November 18, 2010

Sir:

Pursuant to the requirements of 37 C.F.R. § 1.56, Applicants now submit a list of documents known to Applicants or Applicants' attorneys. Applicants have not included copies of cited U.S. patents or published U.S. patent applications. But, pursuant to 37 C.F.R. § 1.98(a)(2)(iv), and for the Examiner's review, Applicants have enclosed copies of the following: (1) non-patent publications and (2) documents from the prosecution of related domestic applications.

Regarding category (2), documents from the prosecution of related domestic patent applications, Applicants note that 37 C.F.R. § 1.98(b) does not mention, and thus does not require, that Applicants provide any particular set of identifying information. While 37 C.F.R. §

1.98(a)(1) requires Applicants to provide a list of such documents, it does not require Applicants to include in that list specific identifying information. 37 C.F.R. § 1.98(a)(2)(iv) further requires Applicants to provide a copy of such documents. Thus, the rules do not require that Applicants provide any particular set of information about the documents in category (2) prior to the Examiner's consideration of all the cited information. Nevertheless, in order to be as helpful as possible, Applicants have provided (a) information regarding the source of the documents, and (b) a title or description of each document. The prosecution record of either a related domestic or foreign patent application is the source for each document. Accordingly, in the list required by 37 C.F.R. § 1.98(a)(1), Applicants have provided information about the source of each document. The information provided mirrors the requirements for cited foreign patent applications and U.S. patent applications as set forth by 37 C.F.R. § 1.98(b). For at least these reasons, Applicants respectfully request consideration of all documents submitted in the present Information Disclosure Statement and entry into the record for the present application (Application Serial No. 10/552,568).

Regarding category (2), Applicants now submit for the Examiner's consideration, copies of an Office Action from the prosecution of a U.S. patent application. Pursuant to 37 C.F.R. § 1.98(a)(2)(iv), Applicants have enclosed a copy of each document. The enclosed Form PTO/SB/08b lists these documents, provides identifying information, and includes a column for the Examiner's initials.

Pursuant to M.P.E.P. § 2001.06(b) and 37 C.F.R. § 1.98(b)(3), Applicants now bring to the attention of the Examiner the existence of the U.S. patent application identified below, which was filed in the U.S. Patent and Trademark Office:

INFORMATION DISCLOSURE STATEMENT LIST pursuant to M.P.E.P. § 2001.06(b) and 37 C.F.R. § 1.98(b)(3) for Application No. 10/552,568 (Attorney Docket No. 21101.0040U2) DISCLOSURE OF OTHER U.S. PATENT APPLICATIONS				
	<u>Application No.</u>	<u>Date Filed</u>	<u>First Inventor</u>	<u>Attorney Docket No.</u>
1.	11/791,287	5/21/2007	Westenfelder	21101.0214U2

Pursuant to 37 C.F.R. § 1.97(b)(3), Applicants believe that this Supplemental Information Disclosure Statement is timely in that the Office has not yet mailed to Applicants a first Office action on the merits. Therefore, Applicants request that the Examiner consider the cited documents and make the same of record in the prosecution of this application (U.S. Serial No. 10/552,568).

Applicants do not believe that a fee is due; however, Applicants hereby authorize the Commissioner to charge to Deposit Account No. 14-0629 any additional fees that may be required, or to credit to the same account any overpayment of fees.

Respectfully submitted,

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ATTORNEY DOCKET No. 21101.0040U2
APPLICATION No. 10/552,568

CERTIFICATE OF ELECTRONIC TRANSMISSION UNDER 37 C.F.R. § 1.8			
I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via electronic transmission via EFS-Web on the date indicated below.			
Name of Person Mailing (Print/Type)	Scott D. Marty, Ph.D.		
Signature	/Scott D. Marty, Reg No. 53,277/	Date	November 18, 2010